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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,052	05/18/1999	DOUGLAS E. OTT	15006.0009	4618

7590 12/08/2009
D. EDWARD DOLGORUKOV
MARSHALL AND MELHORN, LLC
FOUR SEAGATE- 8TH FLOOR
TOLEDO, OH 43604

EXAMINER

MENDEZ, MANUEL A

ART UNIT	PAPER NUMBER
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3763

MAIL DATE	DELIVERY MODE
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12/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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09314052	5/18/1999	OTT ET AL.	15006.0009

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EXAMINER

Manuel A.. Mendez

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3763	20091205

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Commissioner for Patents

Please review the document attached to this cover sheet.

/Manuel A. Mendez/
Primary Examiner, Art Unit 3763

Response to Amendment

The reply filed on 07/08/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The examiner has carefully reviewed the documents provided by the applicant concerning the ongoing dispute between Lexion Medical LLC and Northgate Technologies Inc. and would like to thank the applicant for submitting the Opinion of District Judge Charles P. Kocoras dated April 27, 2009. Since an Interference proceeding can not be set if there is ongoing litigation on issues concerning related subject matter, the examiner of record is required to inquire whether there has been an appeal of the submitted decision (Summary Judgement) or whether all litigation has completely ceased. The examiner will expeditiously complete the setting of the Interference after a response to the above inquiry is received by the Office. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel A. Mendez whose telephone number is 571-272-4962. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone

Art Unit: 3763

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Manuel A. Mendez/

Primary Examiner, Art Unit 3763

Manuel A. Mendez
Primary Examiner
Art Unit 3763

MM